

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

2025 APR 10 PM 4:39

CLERK
BY FN
DEPUTY CLERK

Misty Blanchette Porter, M.D.,

Plaintiff,

v.

Civil Action No. 2:17-cv-194

Dartmouth-Hitchcock Medical Center,
Dartmouth-Hitchcock Clinic,
Mary Hitchcock Memorial Hospital, and
Dartmouth-Hitchcock Health,

Defendants.

JURY VERDICT FORM

PLEASE CHECK (✓) YOUR ANSWERS

All jurors must agree on the answers to all the questions.

I. Violation of New Hampshire Whistleblowers' Protection Act

Do you find by a preponderance of the evidence that Dartmouth Health terminated Dr. Porter's employment and failed to reassign her to another position at Dartmouth Health in violation of the New Hampshire Whistleblowers' Protection Act?

YES _____ NO ✓

II. Violation of Americans with Disabilities Act

a. Do you find by a preponderance of the evidence that Dartmouth Health terminated Dr. Porter's employment because of her disability in violation of the Americans with Disabilities Act?

YES _____ NO ✓

b. Do you find by a preponderance of the evidence that Dartmouth Health failed to make a reasonable accommodation for Dr. Porter by reassigning her to another department instead of terminating her employment in violation of the Americans with Disabilities Act?

YES _____ NO ☒

c. Do you find by a preponderance of the evidence that Dartmouth Health retaliated against Dr. Porter by terminating her employment in violation of the Americans with Disabilities Act?

YES _____ NO ☒

III. Rehabilitation Act Claim

a. Do you find by a preponderance of the evidence that Dartmouth Health terminated Dr. Porter's employment because of her disability in violation of the Rehabilitation Act?

YES _____ NO ☒

b. Do you find by a preponderance of the evidence that Dartmouth Health failed to make a reasonable accommodation for Dr. Porter by reassigning her to another department instead of terminating her employment in violation of the Rehabilitation Act?

YES _____ NO ☒

c. Do you find by a preponderance of the evidence that Dartmouth Health retaliated against Dr. Porter by terminating her employment in violation of the Rehabilitation Act?

YES _____ NO ☒

IV. Disability Discrimination Claims under New Hampshire State Law

a. Do you find by a preponderance of the evidence that Dartmouth Health terminated Dr. Porter's employment because of her disability in violation of the New Hampshire Law Against Discrimination?

YES _____ NO X _____

b. Do you find by a preponderance of the evidence that Dartmouth Health failed to make a reasonable accommodation for Dr. Porter by terminating her employment instead of reassigning her in violation of the New Hampshire Law Against Discrimination?

YES _____ NO X _____

c. Do you find by a preponderance of the evidence that Dartmouth Health retaliated against Dr. Porter by terminating her employment in violation of the New Hampshire Law Against Discrimination?

YES _____ NO X _____

V. Disability Discrimination Claims Under Vermont State Law

a. Do you find by a preponderance of the evidence that Dr. Porter's disability was a motivating factor in Dartmouth Health's decision to terminate Dr. Porter's employment in violation of the Vermont Fair Employment Practices Act?

YES X _____ NO _____

b. Do you find by a preponderance of the evidence that Dartmouth Health failed to make a reasonable accommodation for Dr. Porter by terminating her employment instead of reassigning her to another department in violation of the Vermont Fair Employment Practices Act?

YES _____ NO ✓

c. Do you find by a preponderance of the evidence that Dartmouth Health retaliated against Dr. Porter by terminating her employment in violation of the Vermont Fair Employment Practices Act?

YES _____ NO X

VI. Wrongful Discharge Claim Under New Hampshire State Law

Do you find by a preponderance of the evidence that Dartmouth Health's decision to terminate Dr. Porter's employment constituted wrongful discharge in violation of New Hampshire state law?

YES _____ NO X

DAMAGES

Only answer the following questions if you checked YES to one or more of the prior questions. If you did not check YES to any of the prior questions, please leave the following questions blank and proceed to the last page of the verdict form.

1. Economic Damages

If you checked "YES" to any of the questions in Parts I-VI above, do you find that Dr. Porter has proven, by a preponderance of the evidence, that she is entitled to economic damages such as lost income and expenses?

YES X NO _____

If you checked "YES," state below the amount that is to be awarded in economic damages. If you answered "NO," please proceed to the following question.

\$ 1,000,000.00

2. Non-Economic Damages

If you checked "YES" to any of the questions in Parts I, II, IV, V, or VI above, do you find that Dr. Porter has proven, by a preponderance of the evidence, that she is entitled to non-economic damages such as lost enjoyment of life, mental anguish, or pain and suffering?

YES X NO _____

If you answered "YES" to the question above, state below the amount that is to be awarded in non-economic damages. If you answered "NO" to the question above, please proceed to the following question.

\$ 125,000.00

3. Punitive Damages

If you checked "YES" to any of the questions in Parts II (violation of the ADA) or V (disability discrimination claims under Vermont state law) above, do you find that Dr. Porter has proven, by a preponderance of the evidence, that she is entitled to punitive damages because Dartmouth Health's wrongful conduct was outrageously reprehensible and Dartmouth Health acted with malice?


YES _____ NO X

If you answered "YES" to the question above, state below the amount that is to be awarded in punitive damages. If you answered "NO" to the question above, please proceed to the following page.

\$ _____

Please have the foreperson sign and date this Verdict Form and advise the Court by note that you have reached a verdict.

Dated at Burlington, in the District of Vermont, this 10 day of April 2025.


Jury Foreperson